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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6119

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of City transportation and parks projects, including the widening of NE 2nd Street and a linear park along NE 2nd Street and for the purpose of implementing the City and Sound Transit Memorandum of Understanding related to the East Link light rail project; providing for condemnation, appropriation, and taking of land and property rights necessary therefore; providing for payment; directing the initiation of appropriate proceedings in the manner provided by law for said condemnation; and establishing an effective date.

WHEREAS, the Bellevue Parks & Open Space System Plan 2010 recommends the addition of a neighborhood park in the south east quadrant of the Downtown Subarea; and

WHEREAS, the City previously has acquired property adjacent to and in the vicinity of the property that is the subject of this Ordinance, and the subject properties are identified to be a continuation of a park consisting of the four corner parcels that the City owns or has easements over for park use on all four corners of the intersection of NE 2nd Street and 110th Avenue NE; and

WHEREAS, the City has identified the widening of NE 2nd Street as a project in its Transportation Facilities Plan; and

WHEREAS, the City and the Central Puget Sound Regional Transit Authority ("Sound Transit") entered into that certain Memorandum of Understanding for Intergovernmental Cooperation ("Memorandum of Understanding") for the East Link light rail project dated November 15, 2011, wherein the City agrees to make certain properties available to Sound Transit for the purposes of long-term construction staging (the "East Link Project"); and

WHEREAS, the City and Sound Transit have identified the subject properties, as well as adjacent rights-of-way and other properties owned by the City, as necessary for staging for the East Link Project; and

WHEREAS, following completion of the East Link Project, the City intends to use the subject properties for the parks and transportation purposes described above; and

WHEREAS, City Council finds that the public health, safety, necessity and convenience demand, pursuant to the Memorandum of Understanding, that the East Link Project be undertaken at this time, and that in order to implement the terms of

Link Project be undertaken at this time, and that in order to implement the terms of the Memorandum of Understanding in furtherance of the East Link Project, it is presently necessary for the City to acquire interests and rights to the properties described herein; and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that interests in the land and property hereinafter described be condemned, appropriated, and taken for public use, subject to the making or paying of just compensation to the owners thereof; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The land and property rights within the City of Bellevue, King County, Washington, commonly known as 11017 NE 2nd Place (Tax Parcel No. 369980-0085), 11024 NE 2nd Street (Tax Parcel No. 369980-0090) and 11080 NE 2nd Street (Tax Parcel No. 322505-9184), as now described in Exhibit "A" and generally depicted on Exhibit "B", are necessary both to implement the Memorandum of Understanding in furtherance of the construction of the East Link Project and for the widening of NE 2nd Street and a linear park, all as described above, subject to making or paying just compensation to the owners thereof in the manner provided by law.

Section 2. The City Council of the City of Bellevue finds the above-identified park and City transportation uses to be public uses, specifically the use of the subject properties for the widening of NE 2nd street, with remaining portions of the subject properties used for public park purposes. The City Council specifically finds these projects to be necessary, and in the best interests of the citizens.

Section 3. The City Council of the City of Bellevue finds that the construction of the East Link Project is a public use, including the use of the subject properties for construction staging for the East Link Project through the course of construction of the approximately 6-mile light rail connection through the City of Bellevue, with related uses, as provided in the Memorandum of Understanding. The City Council specifically finds the construction of the East Link Project to be necessary, and in the best interests of the citizens.

Section 4. The cost and expense of acquiring the property rights described in this ordinance shall be paid from the Capital Investment Program (CIP PW-R-181) Plan, from other general funds of the City, including from levy funds, where applicable. The Director of the Civic Services Department or her designee is hereby authorized to negotiate with, make offers to, and execute agreements with the owners of said land or property interests, for the purposes of: obtaining property interests; entering into lease agreements with property owners (lease-backs) between the time of acquisition and start of construction; making or paying just compensation; and, approving the payment of just compensation as negotiated with said owners or as ordered by the Court.

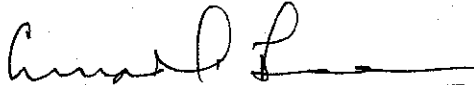
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Section 5. In the absence of negotiated purchases with the affected property owners, the City Attorney or her designee is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, and take the land and property rights necessary to carry out the provisions of this ordinance. In so doing, the City Attorney or her designee is authorized to utilize legal descriptions and depictions of the property rights condemned herein in a format more precise than those general descriptions and depictions set forth in Exhibits A and B. The City Attorney or her designee is further authorized to approve and enter into any and all agreements, stipulations, and orders necessary to carry out the provisions of this ordinance, including the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

Section 6. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

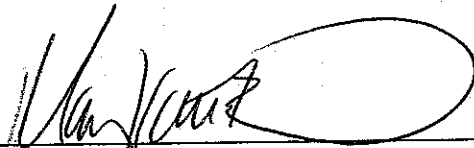
Passed by the City Council this 5th day of August, 2013
and signed in authentication of its passage this 5th day of August,
2013.

(SEAL)

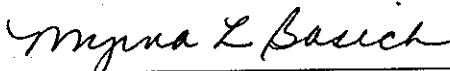

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Mary Kate Berens, Deputy City Attorney

Attest:


Myrna L. Basich, City Clerk

Published August 8, 2013.

EXHIBIT A

Lot 8, Block 2, Jensen's Addition to Bellevue, according to the Plat thereof recorded in Volume 49 of Plats, Page 70, in King County, Washington.

TOGETHER WITH:

That portion of the Southwest Quarter of the Northeast Quarter of Section 32, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the intersection of the East margin of 110th Avenue Northeast and the North margin of Northeast 2nd Street;
Thence Easterly along said North margin to a point parallel to and 162 feet Westerly of, when measured at right angles to, the East line of the West 3/4 of the South 1/2 of said subdivision;
Thence Northerly along said parallel line to the South boundary of Jensen's Addition to Bellevue, according to the Plat thereof recorded in Volume 49 of Plats, Page 70, in King County, Washington;
Thence Westerly along said boundary to the East margin of said 110th Avenue Northeast;
Thence South along said East margin to the Point of Beginning;

EXCEPT that portion deeded to the City of Bellevue for Right of Way under Recording Number 20041117002423.

Tax Parcel Number: 369980-0085-01
Address: 11017 Northeast 2nd Place, Bellevue, WA 98004

AND

Lot 9, Block 2, Jensen's Addition to Bellevue, according to the Plat thereof recorded in Volume 49 of Plats, Page 70, in King County, Washington.

TOGETHER WITH:

That portion of the West 122 feet of the East 162 feet of the South 82.5 feet of the West 3/4 of the North 1/2 of the Southwest Quarter of the Northeast Quarter of Section 32, Township 25 North, Range 5 East, W.M., in King County, Washington, lying North of a line which extends from a point on the East line of said Tract which is 8.37 feet Southerly of the Northeast corner thereof to a point on the West line of said Tract which is 10.90 feet Southerly of the Northwest corner thereof;

EXCEPT that portion, if any, lying within Northeast 2nd Street as established by Decree in King County Superior Court Cause No. 595112.

Tax Parcel Numbers: 369980-0090-04 and 322505-9184-07
Site Address: 11024 & 11080 Northeast 2nd Street, Bellevue, WA 98004

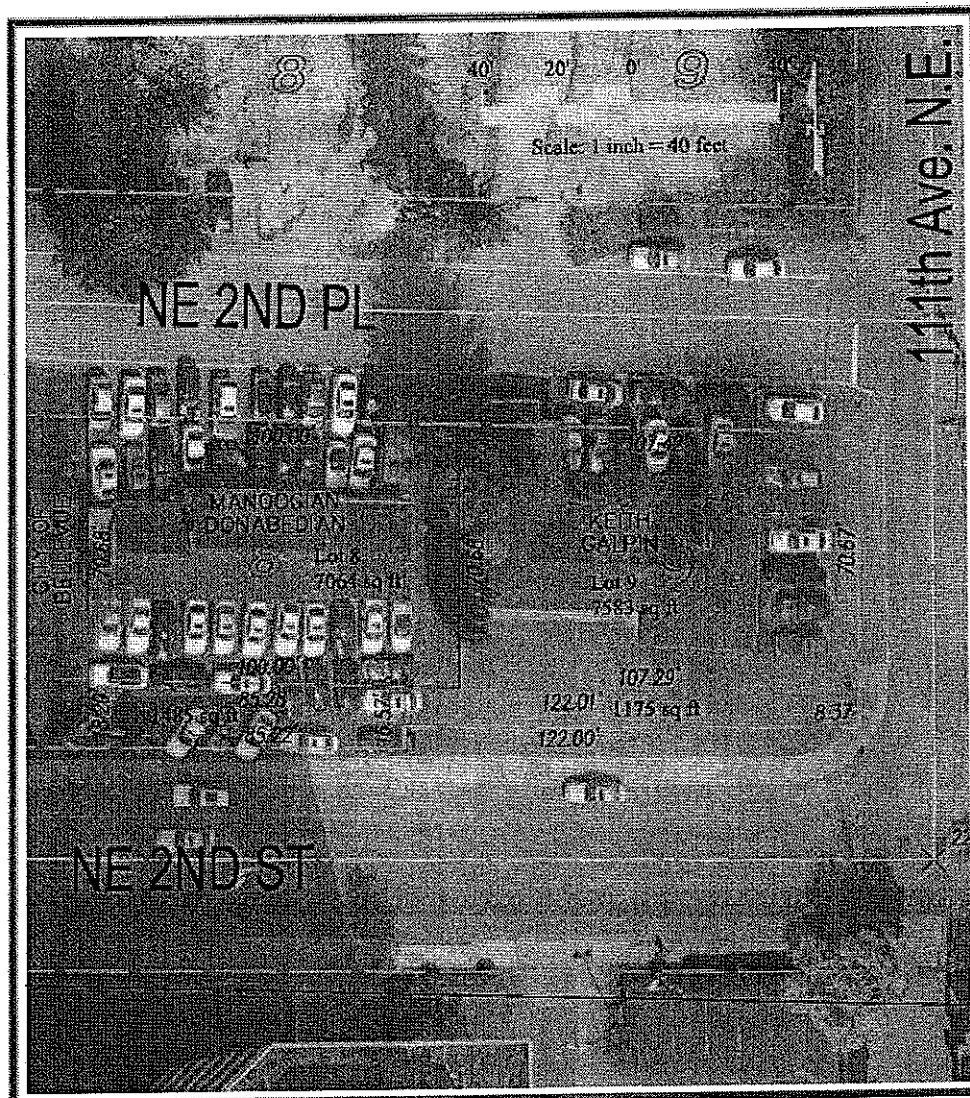
EXHIBIT B

EXHIBIT B

NE 2ND ST

SW1/4 NE1/4 Sec 32, T.25 N., R.5 E., W.M.
King County, Washington



City of
Bellevue

Civic Services Department